

Mark R. EASTER  
Serial No.: 10/016,514  
Amendment dated April 13, 2004

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## REMARKS

Further and favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

Claim 16 has been cancelled and new claim 21 has been added. New Claim 21, is supported, for example, by original claim 15 and the examples in the specification. No new matter has been added by this amendment. Upon entry of this amendment, the pending claims will be 1-15 and 17-21.

Claims 1-10, 12-14 and 17-19 stand rejected over Reid et al (U.S. Patent No. 6,086,792). This rejection is respectfully traversed for the reasons given in the Response filed September 12, 2003.

The Examiner cites *In re Heck*, 216 USPQ 1038 (hereinafter “Heck”), as controlling. Heck is completely inapposite. The facts and issues in Heck do not even remotely resemble the facts and issues in this application.

In Heck, a *secondary reference* (Maybach) was relied upon for a teaching that softer or “less hardened” edges may be adjacent to a hardened central region of a camshaft. The board held and the Federal Circuit affirmed that it would have been obvious to have “unhardened” areas in view of the softer or “less hardened” edges of Maybach. The court in Heck explicitly stated that Maybach *did not “teach[ing] away”*.

The facts and issues in this application involve a *primary reference* (Reid) that *explicitly teaches away in the background of the invention and when discussing the prior art* and states that a carbon particle size as claimed by Applicant is undesirable. In the face of this the Examiner urges that Heck stands for the proposition that it would have been obvious for one of ordinary skill modify the primary reference (Reid) in a manner that would represent a giant leap backward in particle size into the range Reid realizes as causing problems and teaches away from, consequently destroying the advantage of Reid’s invention.

The cases the Examiner cites relating to non-preferred embodiments are completely

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irrelevant as well, Reid does not disclose the particle size as any part of his invention.

The rejection should be withdrawn.

The rejection of Claim 11 over Reid in view of Hendewerk is respectfully traversed for the reasons already given in the prior response as well as those stated above. Hendewerk does not remedy the deficiencies of Reid.

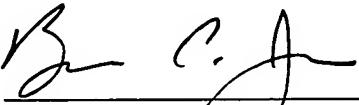
The indication of the allowability of Claims 15 and 16 is gratefully acknowledged, and new Claim 21 is submitted in order to cover the cable as well as the shield.

In the event there are any questions relating to this Amendment or to the application in general, it would be appreciated if the Examiner would telephone the undersigned attorney.

Please charge any shortage or credit any overpayment of fees to BLANK ROME COMISKY & MCCUALEY LLP, Deposit Account No. 23-2185 (110938-00132).

Respectfully submitted,  
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